



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph.– 2210707 & 2328283 Ext:- 122

IN THE MATTER OF GRIEVANCE NO.K/E/029/0031 OF 05-06
OF M/S RAMAN THERMOSETS PVT. LTD. REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT ADDITIONAL
ASSESSMENT AND PENALTY LEVIED ON CONNECTED
LOAD CHARGED.

M/s Raman Thermosets Pvt. Ltd (Here in after
28/ R.B. Sharma Industries Estate
referred to Mumbai Nasik Road,
Asangaon as consumer)
Tal- Shahapur, Dist- Thane.

Versus

Maharashtra State Electricity Distribution Co. Here in after
Ltd. through its Assistant Engineer, referred to
Shahapur Sub-Division, Shahapur. as
licensee

- 1) Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of The Electricity Act, 2003. (36 of 2003).
- 2) The consumer is L.T. consumer of the licensee connected to their 415-volt network. The consumer registered grievance with forum on 20/09/2005. The details are as follows.

Name of consumer: - M/s. Raman Thermosets Pvt. Ltd.

Address: - Same as above

Consumer Nos.:- 210118208361

Amount of the assessment of bill: - Rs. 4,43,136/-.

Period of assessment: - Details not given in assessment bill.

Reason of assessment:- On account of inaccuracy of two meters tested on 17/10/2000 and 24/10/2001. The meters were found to be 37.5% and 38% slow and on account of penalty on excess load found connected than the sanctioned load.

The consumer made the following prayer in his grievance application.

The licensee may be directed to withdraw the bill passed by their Superintending Engineer Circle II Kalyan vide letter dated 18th July 2005.

- 3) The batch of papers containing above grievances was sent by forum vide letter No. 307 dated 20/09/2005 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide No.2675 dated 15/10/2005.
- 4) All three members of the forum heard both the parties on 7/11/2005, and 16/11/2005. Shri J.K.Raman, Shri. S.W.Deshmukh, Shri Ravi Anand, and Shri Pasarkar representatives of the consumer, represented consumer. Shri Waghambare, Executive Engineer and Shri M.G.Pai Divisional Accountant, represented licensee.
- 5) The consumer vide grievance application made submission that the consumer somewhere in the month of March or April 2003 received an exorbitant bill of Rs. 4,43,136/- without any details. The consumer then approached Electrical Inspector Thane on 2nd June 2003 to request him to stay disconcertion threat given by licensee. Electrical Inspector issued stay order for disconcertion of electric supply. The consumer further stated that as per suggestion of Electrical Inspector Thane the Superintending Engineer Circle II Kalyan heard the consumer's representative on 4/07/2005 and passed an order vide letter dated 18/07/2005. The order reads as follows.

“Assessment for the period of three months for first inspection and second inspection is to be charged to the consumer.

The consumer further submitted that this order of Superintending Engineer Kalyan Circle II is also not acceptable to them and further requested to withdraw the said order”.

- 6) The forum then requested licensee, during hearing on 7/11/05, to submit details of assessment as per above order of their Superintending Engineer. The licensee submitted assessment details to forum vide their letter dated 11/11/05.

Month	Units	Amount in Rs	Remark
July 00 Aug 00	12073	40952	The meter was found 37.5% slow during inspection on 17.10.2000
Sept 00 Oct 00	12094	41023	
July 01	3379	11462	
Aug 01	3756	12741	The meter was found 38% slow during inspection on 24.10.2001
Sept 01	5409	18455	
Oct 01 to July 02	55604	187897	
		69660	Sanctioned load was 67 HP but the connected load was

			found to be 98 HP during inspection on 24.10.2001
Total	92315	382190	

The licensee further stated in their above letter that the inspection reports of the meter testing carried out at the Consumer's premises on 17/10/2000 and 24/10/2001 were signed by Shri Sanjay L. Mohite and Shri Chetan Chaudhary (Manager) of the consumer. The forum observed that as per consumer's personal ledger (CPL) the meter tested on 17/10/2000 was replaced in February 2001 and the meter tested on 24/10/2001 was replaced in August 2002. The forum also observed that the licensee has charged the consumer at 1.5 times the rate of the applicable tariff.

- 7) Shri Raman, representative of the consumer, during hearing on 16/11/2005 pointed out that Executive Engineer Kalyan Rural Division vide letter No. 5455 dated 6/12/2004 addressed to the consumer has clearly mentioned that the connected load was not more than sanctioned load and hence load penalty will not be charged but vide letter No. 4532 dated 11/11/2005 addressed to the forum and copy to consumer has charged penalty on connected load to the tune of Rs 69,660/-. The forum observed that these two actions of licensee are contradictory to each other. Shri

Raman further pointed out the Superintending Engineer Kalyan II had passed the following order on 18/07/2005 after hearing consumer's representative on 4/07/2005.

“Assessment for the period of 3 months for first and second inspection is to be charged to the consumer”

The forum observed that the Superintending Engineer, without giving the consumer the opportunity of being heard, revised the order on 11/11/2005 as follows.

“Assessment for the period of preceding 3 months for first and second inspection each till the meter replacement should be charged to the consumer”.

- 8) Shri Deshmukh, representative of the consumer, during hearing on 16/11/2005 pointed out that the result of accuracy of both the meters tested by licensee is not acceptable to them. He pointed out that in the year 2000 & 2001 when meters were tested, they have objected to the test results and wanted testing to be done by Electrical Inspector, Thane.
- 9) Shri Ravi Anand, representative of the consumer during hearing on 16/11/2005 pointed out that licensee's officers have not put on identification badge as required under the MERC's Standard of Performance. He also expressed that action of licensee is unilateral, without any base & continuously changing the stand of assessment at their discretion. The action of licensee is illegal with an intention

of harassing the consumer & needs an action against concerned officers.

- 10) Shri Waghambare, Executive Engineer of licensee did not offer any comments on the submission made by Shri Ravi Anand and Shri Raman. He however, added that Electrical Inspector, Thane did not order for independent testing of both meters and requested licensee to submit test reports of both the meters and basis of assessment of bills & We, as licensee, complied the order of Electrical Inspector.
- 11) The forum observed that the action of the licensee of making assessment as per section 126 of the Electricity Act, 2003 at the rate equal to one and half times the tariff applicable presuming unauthorized use of electricity is not correct as this case does not fall under the definition of authorized use of electricity. (Explanation :- “The unauthorized use of electricity ” means the usage of electricity
 - i) by any artificial means; or
 - ii) by a means not authorized by the concerned person or authority of licensee; or
 - iii) through a tampered meter; or
 - iv) for the purpose other than for which the usage of electricity was authorized.
- 12) Forum observed that both the meters were defective and test results intimated to the consumer (meter testing report were signed by the representative of the consumer) and as

such the assessment bills in each case may be adjusted up to 3 month prior to the date of testing and further up to the date of replacement of the meter as per Maharashtra Electricity Regulatory Commission's directives issued vide order No. 1919 of 2004.

- 13) The forum also observed that the action of the licensee in charging penalty on connected load, in view of the position stated in para 7 above, is not correct.
- 14) After carefully going through the entire chain of events, the forum unanimously decided to pass the following order.

O-R-D-E-R

1. The assessment of Rupees Three lakhs eighty two thousand one hundred and ninety (Rest 3,82,190/-) made by licensee as per Para 6 above is, hereby, set aside and quashed.
2. The licensee should make the assessment in each of the two meter testing cases as follows.
 - i) Meter tested on 17/10/2000 and replaced in February 2001: - From July 2000 to February 2001 (as per test result of 37.5% slow).
 - ii) Meter tested on 24/10/2001 and replaced in August 2002: - From July 2001 to August 2002 (as per test result of 38% slow).
3. Both the authorized representative of licensee had not put on identification badge during hearing on 16/11/2005 as

required as per clause 8.1 of Maharashtra Electricity Regulatory Commission (Standard of Performance Distribution Licensee's, Period for giving supply and determination of compensation) Regulations, 2005 and as such a compensation of Rs 50/- per person for this default is payable. This compensation should be paid to the consumer within 90 days from the date of this order.

4. Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission,
606/608,Keshav Building, Bandra Kurla Complex,
Mumbai 5.

Appeal can be filed within 60 days from the date of order

4. Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address.

Maharashtra Electricity Regulatory Commission,13th floor,
World Trade Center, Cuffe Parade, Colaba, Mumbai 05
for non-compliance, part compliance or delay in compliance
of this decision issued under "Maharashtra Electricity
Regulatory Commission (Consumer Grievance Redressal
Forum & Ombudsman) Regulation 2003".

Date: - 19/11/2005 CSonsumer

(Sau.V.V.Kelkar)

Member
CGRF, Kalyan

(I.Q.Najam)

Chair person
CGRF, Kalyan

(M.R.Mehetre)

Member Secretary
CGRF, Kalyan